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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/678,896	VALLOPPILLIL ET AL.	
	Examiner	Art Unit	
	Marivelisse Santiago-Cordero	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-17,54,55 and 57-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-17,54,55 and 57-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-2, 4-17, 54-55, 57-61 are pending. Claims 3, 18-53 and 56 have been cancelled.

Response to Arguments

2. Regarding the objection to the drawings, Applicant stated that a new set of drawings was submitted (Remarks: page 7); however, no such drawings have been received.

3. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments with respect to claims 54 and 58 have been fully considered but they are not persuasive.

Regarding claim 54, Applicant argues that Smith does not teach or suggest that the mobile device's telephone number is the destination telephone number of the location request (Remarks: page 9, 1st full paragraph) and that it is also not obvious because using a message's destination telephone number as a way to locate content but not sending the message to the mobile device associated with the destination telephone number is not a conventional way of handling a message (Remarks: page 9, 2nd full paragraph). In response, the Examiner respectfully disagrees.

The message transmitted in Smith, i.e., LOC plus directory number of the second device, is fairly characterized the first message wherein the predetermined indicator (*LOC) indicates that the first message is not to be sent to a second mobile device associated with a destination telephone number of the first message (note the directory number of the second device is read as "second mobile device associated with a destination telephone number) as claimed. Note that

the directory number of the second device is a called party's telephone number (i.e., a destination telephone number) (Smith: paragraph [0018]). It is until the HLR finds that the *LOC service is activated that the HLR uses the look-up table to return the location of the second device to the first device (paragraphs [0024]-[0025]), i.e., wherein the predetermined indicator (*LOC) indicates that the first message is not to be sent to a second mobile device associated with a destination telephone number of the first message as claimed.

Further, the test for obviousness is not whether there is a conventional way or not (in this case, of handling a message as argued), but what the combined teachings of the references would have suggested to one of ordinary skill in the art. See MPEP 2143.

Regarding claim 58, Applicant relied on the same arguments discussed above; accordingly, the same response applies.

5. In addition, regarding claims 2, 4, 16, 55, and 59, the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or the traverse was inadequate. See MPEP 2144.03. In this case, Applicant failed to traverse the examiner's assertion of official notice taken in the last Office Action.

Drawings

6. The drawings stand objected to by the Draftsperson under 37 CFR 1.84 or 1.152 (see form PTO-948 mailed on 1/27/06).

Claim Objections

7. Claim 61 is objected to because of the following informalities: the claim depends from cancelled claim 18. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 61 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 61, it is not clear if Applicant mistakenly forgot to cancel such claim, since claim 18, from which claim 61 depends, was cancelled, or if Applicant wishes to maintain the claim by amending the dependability of the claim. For purposes of examination, and until clarification is provided, claim 61 is assumed to be cancelled.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1-2, 7, 10-11, 54-55, and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (cited in form PTO-892, paper no. 20050113) in view of Boss et al. (hereinafter "Boss"; Pub. No.: US 2002/0115446).

12. Regarding claim 1, Smith discloses a method comprising:

receiving a message sent over a network by a first user from a mobile device (paragraph [0024]), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0008]; note that e-mail is an asynchronous messaging protocol);

identifying a specified destination telephone number of the message (paragraph [0024]);

determining whether the specified destination telephone number corresponds to a predetermined telephone number (paragraph [0024]);

if the specified destination telephone number corresponds to the predetermined telephone number, then using an indicator in the message to identify network-based content (paragraphs [0021]-[0025]), and

sending the network-based content to the first user in response to the message (paragraphs [0024]-[0025]).

Smith fails to specifically disclose content **that authored by a second user**.

However, in the same field of endeavor, Boss discloses content authored by a second user person (paragraphs [0003]-[0004], [0023]-[0024], [0026], [0029], [0033], [0035], and [0051]-[0053]; note the user of cellular telephone 60).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to authored the content of Smith by a second person as suggested by Boss for the advantages of providing a user-controlled feature which maintains user's privacy (Boss: paragraph [0003]) and provides the user with knowledge or permission (Boss: paragraph [00033]).

Regarding claim 2, Smith in combination with Boss discloses the method of claim (see above), but fails to specifically disclose wherein the messaging protocol is multimedia-messaging system (MMS), and the messages are MMS messages.

Smith does disclose that the messages may be e-mail (paragraph [0008]) or SMS messages (paragraph [0025]); all well-known types of asynchronous messaging protocol.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004).

Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 7, in the obvious combination, Smith discloses wherein the message includes a telephone number of the second user (paragraph [0024]), and wherein the indicator comprises the telephone number of the second user (paragraph [0024]), such that said using an indicator in the message to identify a network-based content comprises using the telephone number of the second user to identify the network-based content (paragraph [0024]).

Regarding claim 10, Smith discloses wherein the method is performed within an intermediary processing system that couples a wireless network to a wireline computer network (Fig. 5; paragraph [0045]).

Regarding claim 11, in the obvious combination, Smith discloses wherein the indicator comprises a keyword (paragraph [0024]).

13. Claims 54-55 and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Chern et al. (hereinafter "Chern"; cited in form PTO-892, paper no. 20070131).

Regarding claim 54, Smith discloses a method of providing a directory of published content to a user of a mobile device operating on a wireless network, the method comprising:

receiving a first message from a first mobile device via the wireless network (paragraph [0024]), the first message initiated by a first user using the first mobile device (paragraph [0024]), the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0008]; note that e-mail is an asynchronous messaging protocol);

detecting a predetermined indicator in the first message (paragraph [0024]), wherein the predetermined indicator indicates that the first message is not to be sent to a second mobile device associated with a destination telephone number of the first message but to request content (paragraph [0024]); and

in response to detecting the predetermined indicator in the first message, identifying a set of network-based content (paragraphs [0021]-[0024]), and sending to the fist mobile device a second message identifying the set of network-based content, as a response to the first message

(paragraphs [0024]-[0025]), the second message conforming to said protocol (paragraphs [0008] and [0025]).

Smith fails to specifically disclose content **that has been published by a second user of the second mobile device**.

However, in the same field of endeavor, Chern discloses content that has been published by a second user of the second mobile device (col. 1, line 57 through col. 2, line 6; col. 6, lines 10-15 and 55-59; note that "a user" (col. 6, line 12) is read as the claimed second user and the "authorized users" (col. 6, line 55-59) is read as the first user).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to publish the content of Smith by a second user of the second mobile device as suggested by Chern for the advantages of selectively making information available to others (Chern: col. 6, lines 10-20).

Regarding claim 57, in the obvious combination, Smith discloses wherein the predetermined indicator comprises a keyword (paragraph [0024]).

Regarding claim 58, Smith discloses a processing system comprising:

a communications interface (paragraphs [0024]-[0025]; note that by receiving and sending information, a communications interface is inherently present);

a processor (note that this is inherently present given that the system performs a process, the process would be implemented by a processor);

a memory storing software which, when executed by the processor, causes the processing system to execute a process that includes

receiving a first message from the mobile device via the wireless network through the communications interface (paragraph [0024]), the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraph [0008]; note that e-mail is an asynchronous messaging protocol), the message having a destination telephone number assigned to an end user (paragraph [0024]);

detecting a predetermined indicator in the first message (paragraph [0024]), wherein the predetermined indicator indicates that the first message is not to be sent to the end user but to request content associated with the end user (paragraph [0024]); and

in response to detecting the predetermined indicator in the first message, identifying a network-based content (paragraphs [0021]-[0024]), and sending a second message identifying network-based content to the mobile device (paragraphs [0024]-[0025]), as a response to the first message (paragraphs [0024]-[0025]), the second message conforming to said protocol (paragraphs [0008] and [0025]).

Smith fails to specifically disclose content **published by the end user**.

However, in the same field of endeavor, Chern discloses content published by the end user (col. 1, line 57 through col. 2, line 6; col. 6, lines 10-15 and 55-59; note that "a user" (col. 6, line 12) is read as the claimed end user).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to publish the content of Smith by the end user as suggested by Chern for the advantages of selectively making information available to others (Chern: col. 6, lines 10-20).

Regarding claims 55 and 59, Smith in combination with Chern discloses the method of claim 54 and the system of claim 58, respectively (see above), but fails to specifically disclose

wherein the messaging protocol is multimedia messaging system (MMS), and the messages are MMS messages.

Smith does disclose that the messages may be e-mail (paragraph [0008]) or SMS messages (paragraph [0025]); all well-known types of asynchronous messaging protocol.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004).

Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 60, Smith discloses wherein the predetermined indicator comprises a keyword (paragraph [0024]).

14. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in combination with Boss, as applied to claim 4 above, and further in view of Chern et al. (hereinafter "Chern"; cited in form PTO-892, paper no. 20070131).

Regarding claim 4 Smith in combination with Boss disclose the method of claim 1 (see above), but fail to specifically disclose wherein the predetermined telephone number is a telephone number of an entity other than an end user.

However, in the same field of endeavor, Chern discloses connecting to an entity other than an end user (Fig. 7; col. 6, lines 55-63; col. 7, lines 21-29); note the Web 150), but fail to specifically disclose a telephone number.

Nonetheless, the Examiner takes Official Notice of the fact that was notoriously well known in the art at the time of invention by applicant to use telephone numbers for dial-up and service provision to the Internet, such as Chern's Web 150 (Fig. 7). Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to use a telephone number of an entity, such as Web Server of Chern, for the advantages of dial-up and service provision to the Internet.

Regarding claim 5, in the obvious combination, Chern discloses wherein the predetermined telephone number is a telephone number of a network operator (Fig. 7; col. 7, lines 21-29; note that by connecting to the Web 150 for access to Web Server 136, the connection should to be through a network operator, which provides the service).

Regarding claim 6, in the obvious combination, Chern discloses wherein the predetermined telephone number is a telephone number of a wireless carrier (Fig. 7; col. 7, lines 21-29; note that connecting to a wireless carrier is inherently present for the provision of services).

15. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in combination with Boss and Chern, as applied to claim 4 above, and further in view of Vatanen et al. (hereinafter "Vatanen"; cited in form PTO-892, paper no. 20050113).

Regarding claim 8, Smith in combination with Boss and Chern discloses the method of claim 4 (see above), but fails to disclose wherein the indicator comprises a cryptographic

identifier of the network-based content, the method further comprising using the cryptographic identifier to identify the network-based content.

However, Vatanen discloses an indicator comprising a cryptographic identifier of the network-based content, the method further comprising using the cryptographic identifier to identify the network-based content (paragraph [0006]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate in the indicator of Smith in combination with Boss and Chern a cryptographic identifier as suggested by Vatanen for the advantages of insuring that the message will not be visible in plain or unencrypted form to outsiders or unintended third parties (Vatanen: paragraph [0006]), hence, providing a more secure and safer transmission.

Regarding claim 9, in the obvious combination, Vatanen discloses wherein the network-based content is identified based only on the cryptographic identifier (paragraph [0006). Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate based only the network-based content of Smith in combination with Boss and Chern on the cryptographic identifier as suggested by Vatanen for the advantages of insuring that the message will not be visible in plain or unencrypted form to outsiders or unintended third parties (Vatanen: paragraph [0006]), hence, providing a more secure and safer transmission.

16. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker (cited in form PTO-892, paper no. 112505) in views of Smith and Boss.

Regarding claim 12, Thakker discloses a method of providing access to network-based content, the method being performed in a processing system coupled to a wireless network and to a wireline computer network (Fig. 3), the method comprising:

receiving a message (Fig. 3, reference 140a) sent over the wireless network by a first end user from a mobile device (Fig. 3, reference 20), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (Fig. 3, reference 140a; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices);

identifying a destination telephone number to which the message is directed (col. 3, lines 52-57; col. 4, lines 3-6), wherein the destination telephone number is a telephone number of a network entity other than an end user (col. 4, lines 3-6); determining whether the destination telephone number corresponds to a predetermined number (col. 4, lines 3-6);

if the destination telephone number corresponds to the predetermined number, then identifying a predetermined indicator in the message (col. 4, lines 17-28 and col. 5, lines 6-10), using the predetermined indicator in the message to identify network-based content that has been authored by the second end user (col. 4, lines 17-23 and col. 5, lines 6-10; note that the information is inherently authored by a second user), and sending the network-based content to the first end user (col. 5, lines 14-17).

Thakker fails to specifically disclose the message including a telephone number of a second end user and using the telephone number of the second end user in the message to identify network-based content.

However, Smith discloses a method for providing access to a network based content comprising: receiving a message sent over the wireless network by a first end user from a mobile device message (paragraph [0024]), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraphs [0008] and [0024]), the message including a telephone number of a second end user (paragraph [0024]), identifying a predetermined indicator in the message (paragraph [0024]), using the telephone number of the second end user and the predetermined indicator in the message to identify network-based content (paragraphs [0024]-[0025]), and sending the network-based content to the first user (paragraphs [0024]-[0025]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to include in the message of Thakker a telephone number of a second end user and using the telephone number of the second end user in the message to identify network-based content as suggested by Smith for the advantages of receiving information of the second user (Smith: paragraph [0018]) and facilitating access and correspondence of requested data.

Further, even when Thakker, in the obvious combination, inherently discloses content that has been authored by a second end user, in the same field of endeavor, Boss discloses content that has been authored by a second end user (paragraphs [0003]-[0004], [0023]-[0024], [0026], [0029], [0033], [0035], and [0051]-[0053]; note the user of cellular telephone 60).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to author the content of Thakker in combination with Smith by a second user as suggested by Boss for the advantages of providing a user-controlled feature which

maintains user's privacy (Boss: paragraph [0003]) and provides the user with knowledge or permission (Boss: paragraph [00033]), and selectively making information available to others.

Regarding claim 13, Thakker discloses wherein the predetermined destination is a telephone number of a network operator (col. 3, lines 52-57 and col. 4, lines 7-11).

Regarding claim 14, Thakker discloses wherein the predetermined destination is a telephone number of a wireless carrier (col. 3, lines 52-57 and col. 4, lines 7-11).

Regarding claim 15, in the obvious combination, Smith discloses wherein the network based content has been previously associated with the telephone number of the second end user and the predetermined indicator by the second end user (paragraphs [0023]-[0024]). Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to previously associated with the telephone number of the second end user and the predetermined indicator by the second end user as suggested by Smith for the advantages of facilitating access and correspondence of requested data.

Regarding claim 16, the references in the obvious combination fail to disclose wherein the messaging protocol is multimedia messaging system (MMS) and the message is an MMS message. Nonetheless, Thakker does disclose wherein the messaging protocol is SMS and the message is an SMS message (Thakker: Fig. 2, reference 140a).

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messaging protocol and MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in

IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 17, Thakker discloses wherein the predetermined indicator comprises a keyword (col. 4, lines 17-28).

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSC 6/5/07

MSC

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